

[For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.]

[For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.]

EXECUTIVE ORDER NO. 13328

Ex. Ord. No. 13328, Feb. 6, 2004, 69 F.R. 6901, which established the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, was revoked by Ex. Ord. No. 13385, §3(a), Sept. 29, 2005, 70 F.R. 57990, set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

**§ 2302. Definitions**

In this chapter:

(1) The term “weapon of mass destruction” means any weapon or device that is intended, or has the capability, to cause death or serious bodily injury to a significant number of people through the release, dissemination, or impact of—

- (A) toxic or poisonous chemicals or their precursors;
- (B) a disease organism; or
- (C) radiation or radioactivity.

(2) The term “independent states of the former Soviet Union” has the meaning given that term in section 5801 of title 22.

(3) The term “highly enriched uranium” means uranium enriched to 20 percent or more in the isotope U-235.

(Pub. L. 104–201, div. A, title XIV, §1403, Sept. 23, 1996, 110 Stat. 2717.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title XIV of div. A of Pub. L. 104–201, Sept. 23, 1996, 110 Stat. 2714, which is classified principally to this chapter. For complete classification of title XIV to the Code, see Short Title note set out under section 2301 of this title and Tables.

SUBCHAPTER I—DOMESTIC  
PREPAREDNESS

**§ 2311. Response to threats of terrorist use of weapons of mass destruction**

**(a) Enhanced response capability**

In light of the potential for terrorist use of weapons of mass destruction against the United States, the President shall take immediate action—

- (1) to enhance the capability of the Federal Government to prevent and respond to terrorist incidents involving weapons of mass destruction; and
- (2) to provide enhanced support to improve the capabilities of State and local emergency

response agencies to prevent and respond to such incidents at both the national and the local level.

**(b) Report required**

Not later than January 31, 1997, the President shall transmit to Congress a report containing—

- (1) an assessment of the capabilities of the Federal Government to prevent and respond to terrorist incidents involving weapons of mass destruction and to support State and local prevention and response efforts;
- (2) requirements for improvements in those capabilities; and
- (3) the measures that should be taken to achieve such improvements, including additional resources and legislative authorities that would be required.

(Pub. L. 104–201, div. A, title XIV, §1411, Sept. 23, 1996, 110 Stat. 2717.)

**§ 2312. Repealed. Pub. L. 109–163, div. A, title X, §1034, Jan. 6, 2006, 119 Stat. 3429**

Section, Pub. L. 104–201, div. A, title XIV, §1412, Sept. 23, 1996, 110 Stat. 2718; Pub. L. 107–107, div. A, title XV, §1513, Dec. 28, 2001, 115 Stat. 1273, related to emergency response assistance for civilian personnel in case of use or threatened use of weapons of mass destruction.

**§ 2313. Nuclear, chemical, and biological emergency response**

**(a) Department of Defense**

The Assistant Secretary of Defense for Homeland Defense is responsible for the coordination of Department of Defense assistance to Federal, State, and local officials in responding to threats involving nuclear, radiological, biological, chemical weapons, or high-yield explosives or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of nuclear, radiological, biological, chemical weapons, and high-yield explosives and related materials and technologies.

**(b) Department of Energy**

The Secretary of Energy shall designate an official within the Department of Energy as the executive agent for—

- (1) the coordination of Department of Energy assistance to Federal, State, and local officials in responding to threats involving nuclear, chemical, and biological weapons or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of nuclear weapons and related materials and technologies; and

- (2) the coordination of Department of Energy assistance to the Department of Defense in carrying out that department’s responsibilities under subsection (a).

**(c) Funding**

Of the total amount authorized to be appropriated under section 301,<sup>1</sup> \$15,000,000 is available for providing assistance described in subsection (a).

(Pub. L. 104–201, div. A, title XIV, §1413, Sept. 23, 1996, 110 Stat. 2719; Pub. L. 109–163, div. A, title X, §1031, Jan. 6, 2006, 119 Stat. 3428.)

<sup>1</sup> See References in Text note below.